PTO/SB/21 (04-07) Approved for use through 09/30/2007, OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond plaction of information unless it displays a valid OMB control number. Application Number 10/843,627 TRANSMITTAL Filing Date August 19, 2003 RECEIVED **FORM** First Named Inventor Sundelin, J. CENTRAL FAX CENTER Art Unit 1636 Examiner Name Guzo, David (to be used for all correspondence after initial filling) Attorney Docket Number BI-08-ND6-CCC Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication to TC ✓ Fee Transmittal Form Drawing(s) Appeal Communication to Board Licensing-related Papers Fee Attached of Appeals and interferences Appeal Communication to TC Amendment/Reply Petition (Appeal Notice, Brief, Reply Brief) Petition to Convert to a After Final Proprietary Information Provisional Application Power of Attorney, Revocation Affidavits/declaration(s) Change of Correspondence Address Status Letter Other Enclosure(s) (please Identify Terminal Disclaimer Extension of Time Request below): Request for Refund Express Abandonment Request CD, Number of CD(s) Information Disclosure Statement Landscape Table on CD Certified Copy of Priority Remarks Document(s) - Letter re Submission of Issue Fee and Publication Fee (2 pages) - Copy of form PTOL-85 (par B - Fee(s) Transmittal) Reply to Missing Parts/ incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name Hoxie & Associates LLC Signature Printed name Arthur Yang Date Reg. No. 12,2007 45,721 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mall in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Signature Denise Cooper Date Typed or printed name July 12, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the incividual case. Any comments on the amount of time you require to complete this form another suggestions for reducing this burden, should be sent to the Chief information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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TRANSMITTAL	[Filing Date	August	19, 2003	·	
FORM	. [First Named Inventor	Sundeli	n, J., et al.		
		Art Unit	1636			
(to be used for all correspondence ufter init	st filing)	Examiner Name	Guzo, C	avid		
Total Number of Pages in This Submission	12	Attorney Docket Number	BI-06-N	D6-CCC		
	ENCL	OSURES (Check	all that app	ly)		
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Amendment/Reply After Final Affidavits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement Certified Copy of Priority Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53	Pe Pro Ch Toll Re		ce Address		Appropriate Approp	eal Communication to TC eal Notice, Brief, Reply Brief) rietary Information us Letter or Enclosuro(s) (please Identify
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Signature A4						
Printed name Arthur Yang				_	_	
Date Avgust 30, 200	7		Reg. No.	45,721		
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Typed or printed name Arthur Yang	<u> </u>			0	Date	August 30,2007

HOXIE & ASSOCIATES LLC

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Sundelin, J. et al.) Examiner: Guzo, David	CENTRAL FAX CENTER
Serial No.:	10/643,627) Group Art Unit: 1636	AUG 3 0 2007
) Confirmation Number 445	5
Filed:	August 19, 2003) Attorney Docket: BI-06-N	TD6-CCC
Title:	RECOMBINANT C140 RECEPTOR ITS AGONISTS AND ANTAGONISTS, AND NUCLEIC ACIDS ENCODING THE RECEPTOR)))))	

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181 (alternatively, Petition for Revival of an Application for Patent <u>Abandoned Unintentionally under 37 CRF 1.137(b)</u>)

Attn: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Abandonment mailed August 8, 2007, Applicants respectfully request that the Notice of Abandonment be withdrawn, or in the alternative, that the application be revived for unintentional abandonment.

Applicants hereby petitions the Commissioner to withdrawn the holding of abandonment under 37 CFR 1.181:

On April 11, 2007, a Notice of Allowance and Fee(s) Due was mailed. The issue fee and publication fee was due within three months from the mailing date of the notice.

On July 11, 2007, Applicants paid the issue and publication fees by faxing Part B - Fee(s) Transmittal PTOL-85 to the PTO. A copy of the filing is attached at Exhibit A.

On July 12, 2007, Applicants noticed that item 4b on Form PTOL-85 mistakenly identified that a check was enclosed for payment of the issue and publication fees, as Applicants had intended to instruct the PTO to debit the issue and publication fees through a Deposit

Application of Sundelin, J., et al Application No.: 10/643,627

Attorney Docket No.: BI-06-ND6-CCC

Account. Applicants' representatives contacted the PTO and spoke with Ms. Darlene Lyon in the Office of Patent Publication to determine how to correct the error, and were advised that a supplemental instruction paper could be filed to charge the issue and publication fees to a deposit account. In accordance with her instructions, Applicants filed a supplemental paper on July 12, 2007 instructing the PTO to debit a Deposit Account. A copy of the filing and the PTO Auto-Reply Facsimile Transmission is attached as Exhibit B.

On July 25, 2007, an Issue Notification was mailed indicating that the application would issue as US patent 7,256,255 on August 14, 2007.

On August 8, 2007, Applicants became aware that the issue and publication fees were not debited from their Deposit Account. Applicants contacted the PTO to request that the issue and publication fees be debited from their Deposit Account, especially because the patent was scheduled to issue the following week. Applicants' representative spoke first spoke with Ms. Darlene Lyons, who informed Applicants that her July 12, 2007 instructions were in error. Applicants' representatives then spoke with Ms. Andrea Smith in the Office of Petitions, who advised the Applicants that the application should not issue as a patent because of non-payment of the issue and publication fees. As a result of the conversation with Ms. Andrea Smith, the application was withdrawn from issue, and a Notice of Abandonment was mailed indicating that the application was abandoned for failure to timely pay the issue and publication fees as the submitted fee of \$0 was insufficient.

It is evident that the Applicants had an intent to pay the issue and publication fees, and were diligent in bringing to the PTO's attention the above errors and inconsistencies. Additionally, the PTO has discretion to accept payment of the issue and publication in cases where there are errors in payment of such. See e.g., 37 CFR 1.311(b), and MPEP § 1306.01 8th ed, rev. 5.

In the present application, Applicants have previously filed general authorizations to charge a Deposit Account, timely filed the fee transmittal form for payment of the issue and publication fees, and solicited and followed the instructions of PTO personnel; however, the issue fee and publication fee are deemed insufficient.

Applicants respectfully request: 1) the Notice of Abandonment be withdrawn; 2) the publication and issue fees in the amount of \$1,700.00, and any other additional fees if required,

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AUG 3 0 2007

Application of Sundelin, J., et al Application No.: 10/643,627

Attorney Docket No.: BI-06-ND6-CCC

be debited from Deposit Account No. 50-4255; and 3) the application be allowed to issue as a patent.

It is believed no fees are required in the filing of the present petition under 37 CFR 1.181. If any fees are required, please charge the same to Deposit Account 50-4255.

In the alternative, should the above Petition to Withdraw the Notice of Abandonment be denied, Applicants hereby petition for revival of this application as being unintentionally abandoned under 37 CFR 1.137(b):

Payment of the issue and publication fees was previously submitted on July 11, 2007 in Form PTOL-85, and is herein submitted for a second time at Exhibit A. Please charge the issue and publication fees in the amount of \$1,700, to Deposit Account 50-4255. Applicants also authorize the Director to charge any deficiency, or credit any overpayment to the same Deposit Account.

Since this application was filed on or after June 8, 1995, no terminal disclaimer is required. Applicants have moved promptly to reinstate the application following the August 8, 2007 Notice of Abandonment. Applicants hereby state that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. Applicants respectfully request that the application be revived and allowed to issue as a patent.

Please charge the petition fee of \$1,500.00 under 37 CFR 1.17(m), and any additional other fees required to Deposit Account 50-4255.

Dated: August 30,2007

Respectfully submitted,

Reg. No. 45,721

HOXIE & ASSOCIATES LLP

75 Main Street

Suite 301

Millburn, NJ 07041

(973) 912-5232

PART B - FEE(S) TRANSMITTAL

applicable fee(s), to: Mail Mail Stop ISSUE EE Commissioner for Patents P.O. Box 1450

CENTRAL FAX CÊNTER

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AUG 3 0 2007

Complete and send this form, together

Alexandria, Virginia 22313-1450 or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE PEE and PUBLICATION FEE (if required). Blocks I through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block I, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission. CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address) 50446 7590 04/11/2007 Certificate of Mailing or Transmission HOXIE & TSO LLP I bereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below. 374 MILLBURN AVENUE SUITE 300 E MILLBURN, NJ 07041 Deplse Cooper (Depositor's name) (Signature (Dose APPLICATION NO. FILING DATE PIRST NAMED INVENTOR ATTORNEY DOCKET NO CONFIRMATION NO. 08/19/2003 Johan Sundefin MPI93-006CPIDVIACNIDVIM 4455 TITLE OF INVENTION: RECOMBINANT C140 RECEPTOR, ITS AGONISTS AND ANTAGONISTS, AND NUCLEIC ACIDS ENCODING THE RECEPTOR APPLN. TYPE SMALL ENTITY ISSUE FEE DUE PUBLICATION FEE DUE PREV. PAID ISSUE FEE TOTAL FEE(S) DUE DATE DUE nonprovisional NO \$1400 \$300 \$0 \$1700 07/11/2007 EXAMINER ART UNIT CLASS-SUBCLASS GUZO, DAVID 1636 530-324000 Change of correspondence address or indication of "Pee Address" (37 CFR 1.363). 2. For printing on the patent front page, list Hoxie & Associates (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, Change of correspondence address (or Change of Correspondence Correspondence Change of Correspondence Change of Correspondence Change of Correspondence LLC (2) the name of a single firm (baving as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. ²-Thomas "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required. Hoxie 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type) PLEASE NOTE: Unless an assignce is identified below, no assignce data will appear on the patent. If an assignce is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment. (B) RESIDENCE: (CITY and STATE OR COUNTRY) Millennium Pharmaceuticals, Inc. Cambridge, Massachusetts Please check the appropriate assignee category or categories (will not be printed on the patent): 🔲 Individual 🚘 Corporation or other private group entity 🔘 Government 4a. The following fee(s) are submitted: 4h. Payment of Pec(s): (Please first reapply any previously paid issue fee shown above) Issue Fee A check is enclosed. D Publication Fee (No small entity discount permitted) Payment by credit card. Form PTO-2038 is attached. Advance Order - # of Copies The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number ______ (enclose an extra copy of this form). 5. Change in Entity Status (from status indicated above) a. Applicani claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2). NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Thomas Hoxie Typed or printed name. 993 Registration No. This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date

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PTOL-85 (Rev. 07/06) Approved for use through 04/30/2007.

Authorized Signature

OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PAGE 6/12 * RCVD AT 8/30/2007 1:09:58 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/4	, DNIS:2738300 CSID:19739125236 DURATION (mm-ss):05-00
PAGE 6/12 * RCVD AT 8/30/2007 1:09:58 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/4	The PTO did not receive the following
	listed item(s)

EXHIBIT B

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Sundelin, J. et al.)	Examiner: Guzo, David
Serial No.:	10/643,627)	Group Art Unit: 1636
)	Confirmation Number: 4455
Filed:	August 19, 2003)	Attorney Docket: BI-06-ND6-CCC
Title:	RECOMBINANT C140 RECEPTOR, ITS AGONISTS AND ANTAGONISTS, AND NUCLEIC ACIDS ENCODING THE RECEPTOR		

SUBMISSION OF ISSUE FEE AND PUBLICATION FEE

Box Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

On July 11, 2007, Applicants filed form PTOL-85 (Part B - Fees Transmittal) via facsimile to the Patent and Trademark Office. A copy of the submitted form is attached herewith. Applicants' representatives intended to authorize the Director to charge the required fee(s), any deficiency, or credit any over payment, to Deposit Account Number 50-4255. However, Applicants' representatives mistakenly identified that a check was enclosed.

Pursuant to a telephone conversation between Ms. Darlene Lyon of the Office of Patent Publication and Applicant's representative Arthur Yang on July 12, 2007, Applicants hereby request that the issue fee and publication fee in the amount of \$1,700.00 be charged to Deposit Account No. 50-4255. Applicants also authorize the Director to charge any deficiency, or credit any overpayment to the same Deposit Account No.

In the event there are any questions, please do not hesitate to contact the undersigned by telephone.

Respectfully submitted,

Arthur Yang

Registration No. 45,721

HOXIE & ASSOCIATES LLC 75 Main Street

Suite 301

Millburn, NJ 07041

(973) 912-5232

ipplicable fee(s), to: Mail Mail Stop ISSU.

EE Commissioner for Patents P.O. Box 1450

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Complete and send this form, together

Alexandria, Virginia 22313-1450 or Fax (571)-273-2885

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TOL-85 (Rev. 07/06) Approved for use through 04/30/2007.

Typed or printed name

Thomas

Hox:

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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